

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SANDRA K. FRABLE,)	
)	Civil Action
Plaintiff)	No. 05-CV-00402
)	
vs.)	
)	
CHRISTMAS CITY HOTEL, LLC,)	
trading as)	
Radisson Hotel Bethlehem,)	
)	
Defendant)	

O R D E R

NOW, this 24th day of August, 2006, upon consideration of plaintiff's Motion for Relief from Judgment or Order Pursuant to F.R.C.P. 60(b), which motion was filed November 9, 2005; upon consideration of the Order dated March 23, 2006 from the United States Court of Appeals for the Third Circuit remanding this case to the undersigned to dispose of plaintiff's within motion; upon consideration of the briefs of the parties; and for the reasons articulated in the accompanying Memorandum,

IT IS ORDERED that plaintiff's Motion for Relief from Judgment or Order Pursuant to F.R.C.P. 60(b) is granted.

IT IS FURTHER ORDERED that the Order of the undersigned dated September 28, 2005 is vacated.

IT IS FURTHER ORDERED that the Opinion of the undersigned accompanying the vacated Order is withdrawn.

IT IS FURTHER ORDERED that Counts I and II of plaintiff's Complaint are reinstated.

IT IS FURTHER ORDERED that defendant is granted leave to file either an answer to plaintiff's Complaint or a supplemental motion to dismiss the Complaint, which answer or

supplemental motion shall be filed within 20 days of the date of any mandate of the United States Court of Appeals for the Third Circuit which remands this entire case back to this court for all purposes.

IT IS FURTHER ORDERED that the Clerk of Court for the United States District Court for the Eastern District of Pennsylvania shall immediately transmit a copy of this Order and the accompanying Memorandum to the United States Court of Appeals for the Third Circuit.

BY THE COURT:

/s/ JAMES KNOLL GARDNER
James Knoll Gardner
United States District Judge